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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,299	08/29/2000	Charles Bradley Forsythe	P02014US0	9113

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EXAMINER

SOUGH, HYUNG SUB

ART UNIT PAPER NUMBER

3621

DATE MAILED: 06/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/650,299

Applicant(s)

FORSYTHE ET AL.

Examiner

Hyung S. Sough

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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*Specification*

1. The disclosure is objected to because of the following informalities:
  - Page 7, line 29, "Figs. A-D" should be --Figs. 8A-D--.
  - The following reference sign(s) not mentioned in the description: "128" (Fig. 5).

Applicant is advised to carefully review the entire specification for further needed corrections.

*Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (US PAT. 6,338,043 B1) in view of the disclosed prior art (page 1, line 15 - page 4, line 5 of the specification).

Miller (FIGS. 3A - 3M) discloses a method of selecting and purchasing media advertising (col. 1, lines 6-10) comprising the steps of:

an advertiser accessing a system and providing information relating to buying criteria and customer data in order to select and purchase media advertising (col. 11, lines 22-27);

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the server system receiving the information, processing the information and creating at least one media advertising rate request (e.g., step 124);

the system manipulating the processed rate request to create a media advertising schedule (FIGS. 3C-3E);

transmitting the media advertising schedule to the advertiser (e.g., col. 17, lines 28-33);

the advertiser receiving the schedule, making a media advertising purchase decision and transmitting the purchase decision to the system (this step would have been inherent to complete the media buying process); and

the system transmitting the media advertising purchase decision to the at least one media outlet for reserving the purchased advertising (this step would also have been inherent to complete the media buying process).

**Re claims 1, 10, 14, and 15:** Miller does not explicitly disclose that the method is processed through a Web site having a server, a Web page, transmitting the at least one rate request to at least one media outlet for processing, and the at least one media outlet processing the rate request and transmitting the processed rate request back to the server system.

However, Miller discloses the use of GUI (FIG. 4-16) which is commonly used for Web page.

Further, as disclosed by applicants (page 1, line 15 - page 4, line 5 of the specification), the use of a Web site for purchasing advertisement spots for media is known in the art and it would have been within the level of ordinary skill in the art to employ Web sites having Web pages

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to facilitate the media buying process. Still further, as disclosed by applicants (page 1, line 15 - page 4, line 5 of the specification), transmitting the at least one rate request to at least one media outlet for processing and the at least one media outlet processing the rate request and transmitting the processed rate request back to the server system are known steps for media buying system and it would have been within the level of ordinary skill in the art to employ these steps to obtain up to dated information.

Th claimed system would have been obvious to practice the claimed method which would have been obvious as stated supra.

**Re claims 2, 11 and 16:** Miller further discloses that the media advertising for selecting and purchasing is selected from a group consisting of radio, television, cable, newspaper and outdoor media (e.g., col. 1, lines 6-10).

**Re claims 3 and 12:** Miller further discloses that the information relating to the buying criteria (i.e., "buying guidelines") is selected from a group consisting of advertising campaign type, media choice, customer profile, scheduling preferences, target demographics and allocated budget (e.g., col. 6, line 54 - col. 7, line 36; col. 11, lines 22-26).

**Re claims 4 and 13:** Miller further discloses that the information relating to customer data is selected from a group consisting of company name, physical address, telephone/facsimile numbers, e-mail address, contact name and credit information (col. 17, lines 11-33).

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**Re claim 5:** Miller further discloses the step of processing of the information received by the advertiser includes feeding the information into media selection software for determining effective media choices and for ranking the media choices (e.g., col. 7, lines 37-51; FIG. 7).

**Re claim 6:** Miller further discloses that the at least one rate request created includes information selected from the group consisting of flight period, dayparts, days of the week, excluded programming, excluded stations, category of advertiser, respond by date information, locations, and comments (e.g., col. 6, lines 17-27)

**Re claim 7:** Miller further discloses that the processing of the rate request by the media outlet includes filing out a rate submission form on a Web page (e.g., FIGS. 4-16).

**Re claims 8 and 9:** Miller further discloses that the manipulation of the rate request by the server system includes creating a shell schedule based on the buying criteria, interfacing the shell schedule with audience rating and qualitative data (col. 6, lines 17-27), creating the schedule based on selected parameters (FIG. 7), converting the schedule to a simplified format, applying a rating system to the schedule, and creating numerical ratings and efficiency categories for the schedule (FIG. 7).

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cannon (US PAT. 6,286,005 B1) discloses a method and apparatus for advertising optimization by analyzing data.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hyung S. Souh whose telephone number is (703) 308-0505. The Examiner can normally be reached Monday-Friday from 8:30 AM - 4:00 PM EST.

If attempts to reach the Examiner by telephone are unsuccessful, The Examiner's Supervisor, James P. Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

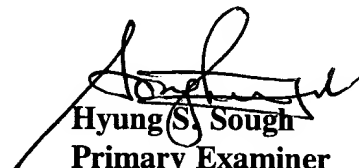
*Commissioner of Patents and Trademarks  
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or faxed to:

**(703)305-7687** [Official communications; including  
After Final communications labeled  
"Box AF"]

**(703) 746-8177** [Informal/Draft communications, labeled  
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

  
Hyung S. Souh  
Primary Examiner  
Art Unit 3621

shs  
June 11, 2002